

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Bell *et al.*

Confirmation No.: 7498

Appl. No. 10/743,649

Art Unit: 1645

Filed: December 23, 2003

Examiner: R. Zeman

For: **ONCOLYTIC VIRUS**

Atty. Docket: 1800-D2

Cust. No. 31976

Declaration Under 37 CFR § 1.131

We, John C. Bell, David F. Stojdl, Harold L. Atkins and Brian D. Lichty, do hereby declare and state:

1. We are the inventors of the subject matter described in the above identified utility patent application as claimed in all of the claims 1, 3, 7, 9-15, and 17-20, as amended by the Amendment as submitted herewith.

2. The subject matter of claims 1, 3, 7, 9-15, 17-20, as submitted herewith, was conceived and reduced to practice by us before September 16, 1999. As evidence of this fact, attached hereto as Exhibit 1 are copies of laboratory notebook pages showing the use of this invention. The dates have been redacted on these copies.

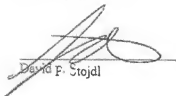
3. The experiment described in Exhibit 1, was performed in Canada.

4. Exhibit 1 shows an experiment comparing administration of VSV virus or cells infected with the VSV virus to melanoma tumor cells in a mouse. For example, the first page of Exhibit 1 in the upper left section shows a diagram depicting administration of “infected cells” or “purified virus” to tumor cells in a mouse.

5. All statements made of my own knowledge are true, and all statements made on information and belief are believed to be true. I am aware the willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of this application and any patent issuing thereon.

John C. Bell

Date



David F. Stojdl

Jan 3, 2008
Date

Harold L. Atkins

Date

Brian D. Lichty

Date

5. All statements made of my own knowledge are true, and all statements made on information and belief are believed to be true. I am aware the willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of this application and any patent issuing thereon.

John C. Bell

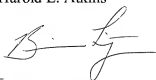
Date

David F. Stojdl

Date

Harold L. Atkins

Date



Brian D. Lichty

Decem,ber 19, 2007

Date

5. All statements made of my own knowledge are true, and all statements made on information and belief are believed to be true. I am aware the willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of this application and any patent issuing thereon.

John C. Bell

Date

David F. Stojdl

Date



Harold L. Atkins

21 Dec 2007

Date

Brian D. Lichty

Date

5. All statements made of my own knowledge are true, and all statements made on information and belief are believed to be true. I am aware the willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of this application and any patent issuing thereon.



John C. Bell

Date

David F. Stojdl

Date

Harold L. Atkins

Date

Brian D. Lichty

Date

Exhibit 1

EXP. NO.	ASSAY	NOTES
REDACTED		
DATE: [REDACTED]		
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p><u>Infl Cells</u></p> <p>Rel. Path ↓</p> <p>5x10⁶/5ml</p> </div> <div style="width: 45%;"> <p><u>Path Virus</u></p> <p>Bags</p> <p>5x10⁶/ml</p> </div> </div>		
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>[REDACTED] ① 4.2 x 4.9 20.6</p> <p>[REDACTED] ② 5.7 x 5.7 32.5</p> <p>[REDACTED] ③ 6.6 x 6.6 43.6</p> <p>[REDACTED] ④ 5.2 x 5.2 27</p> </div> <div style="width: 45%;"> <p>[REDACTED] ⑤ 6.4 x 6.3 40.3</p> <p>[REDACTED] ⑥ 6.8 x 6.8 46.2</p> <p>[REDACTED] ⑦ 2.7 x 3.1 (or less) 8.4</p> <p>[REDACTED] ⑧ none</p> <p>[REDACTED] ⑨ 12.7 x 10.7 114.5</p> <p>[REDACTED] ⑩ 11.6 x 11.6 134.6</p> <p>[REDACTED] ⑪ 4.5 x 4.5 20.3</p> <p>[REDACTED] ⑫ 6.7 x 6.7 44.9</p> </div> </div>		
<p>Path Virus - re. [REDACTED] 1x10⁶ units of Influenza A JP</p> <p>as a [REDACTED] [REDACTED]</p>		
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>[REDACTED] ① 10.9 x 10.9 118.8</p> <p>[REDACTED] ② 9.9 x 9.9 98.0</p> <p>[REDACTED] ③ 5.2 x 5.5 28.6</p> <p>[REDACTED] ④ 5.1 x 5.1 26</p> <p>[REDACTED] ⑤ 6.9 x 7.0 48.3</p> <p>[REDACTED] ⑥ 5.4 x 4.4 23.8</p> <p>[REDACTED] ⑦ 4.8 x 4.8 23.0</p> </div> <div style="width: 45%;"> <p>[REDACTED] ⑧ 6.4 x 6.3 40.3</p> <p>[REDACTED] ⑨ 6.8 x 6.8 46.2</p> <p>[REDACTED] ⑩ 2.7 x 3.1 (or less) 8.4</p> <p>[REDACTED] ⑪ none</p> <p>[REDACTED] ⑫ 12.7 x 10.7 114.5</p> <p>[REDACTED] ⑬ 11.6 x 11.6 134.6</p> <p>[REDACTED] ⑭ 4.5 x 4.5 20.3</p> <p>[REDACTED] ⑮ 6.7 x 6.7 44.9</p> </div> </div>		
SIGNATURE		

NAME	EXP NO	ASSAY	NOTES
			REDACTED
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p><u>Cage α</u></p> <p>7795 7596 7594 7593 7595</p> </div> <div style="width: 45%;"> <p><u>Cage β</u></p> <p>7793 7786 7787 7788 7794</p> </div> </div>			
<p><u>Cage 8</u></p> <p>7586 7587 7588 7589 7590</p>			
<p>All infected in [REDACTED]</p>			
26	WT	IFN 1x10 ⁵ units] same pos	28 WT 5x10 ⁹ USU In
	5x10 ⁹ USU IN		
27	WT	IFN 1x10 ⁵ u IP]	
	5x10 ⁹ USU IN		
24	PR-1	IFN 1x10 ⁵ units] same pos	Boys
	5x10 ⁹ USU IN		
25	USU IN 5x10 ⁹	CAGE α PR-1	
29	WT	1x10 ⁵ USU	
30	IFN 1x10 ⁵ units	USU 5x10 ⁹ cage V	

INSERT COVER UNDER YELLOW SHEET BEFORE WRITING

COLD SPRING HARBOR LABORATORY RESEARCH NOTEBOOK
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